

Volume 12

October 2002

News & Action Report

The Dental Board Of California

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PRESIDENT'S MESSAGE

Alan H. Kaye, DDS

As many of you may already know, the previous dental board underwent a Sunset as of January 1, 2002, and a new Board became operative in April, 2002. The new board now must take on the responsibility of carrying out the mandate of the Legislature. Consequently, I will seize this opportunity to elucidate the mandate of the Dental Board of California, which was created by statute in 1937. The statutes state that the Board shall carry out the purposes and enforce the provisions of the Dental Practice Act (DPA). Those provisions are mainly to examine all applicants for a license to practice dentistry according to the provisions of the DPA, and issue licenses to practice dentistry in the state to those applicants who successfully pass the examination of the Board and otherwise comply with the provisions of the Dental Practice Act. The Board, additionally, is responsible for the enforcement and discipline of those licensees who do not comply with the Dental Practice Act. The Board must collect and apply all fees as directed. In the past 65 years, there have not been significant changes to this mandate.

Members of the new Dental Board hope to make changes that will improve the oral health of all Californians, with emphasis on child health and education. The appointments of the new members were intended to incorporate consumer-oriented members, who have broad experience with our diverse communities and have served in leadership roles in the profession. Discussions have already been initiated to broaden the mandate of the Board through legislation. Immediate activity would include the development of proactive programs for the community. It is our hope that this will mark a new and memorable chapter in the history of the Dental Board of California.

The new Board must come to grips with many major issues, which will impact the delivery of oral health care and the practice of dentistry. Continued next page

EXECUTIVE OFFICER SEARCH

Dental Board of California – *Exempt position*

Salary: \$7105-7684

Administrative background required as well as experience with government, including legislative affairs, budgeting, good oral & written communication skills. Knowledge of the dental profession and its pertinent issues, laws, and regulations. Position is in Sacramento. Submit resume by 12/3/02 to:

Department of Consumer Affairs, HR

Attention: Les Chan

400 R Street, Suite 2000

Sacramento CA 95814

President' Message (Continued from page 1)

Among the most difficult issues are the use of amalgam, improved services in dentally underserved areas, continuing education, the practice of dental anesthesia, choice of restorative material for Denti-Cal patients, Licensure by Credential, licensing examinations, access to dental information via the Internet, and enforcement issues.

Your input and contributions will be essential for us to effectively tackle these issues. We are hoping you will consider our requests for assistance. Our intent is to foster a mutual relationship with practitioners and organized dentistry. If the IRS can become more user-friendly, so can the Dental Board of California.

Legally, our mandate is to look into all complaints made against dentists, dental hygienists and registered dental assistants, even if the complaints are without merit. We do recognize that there are weaknesses in the system and are grateful for the hard work of our administrative staff in keeping us on track with our mandated charges.

A major focus of the board is enforcement for cause. This tenet is important for dentistry because one bad apple can affect the whole barrel. We, as health professionals, work hard to create a good image of ourselves, an image the public has come to respect. When that trust erodes because of unethical or negligent behavior, both dentistry and the consumers are negatively affected. The consumer loses faith in dentistry and the profession loses the trust of the patient, leading to a deficit of mutual understanding and respect. I entreat you to assist the Board in the fulfillment of its consumer protection responsibilities by getting involved in the promotion of proposed new programs.

BOARD SEEKS EXPERT CONSULTANTS

The Dental Board of California is recruiting dentists as consultants to assist in reviewing cases under investigation. The consultant will make determinations relating to complaints involving allegations of substandard dental treatment. The Board is seeking general dentists and Board certified specialists who meet the following criteria:

- ✓ Have been in active practice at least five (5) years;
- ✓ Have had no malpractice judgments over \$5,000;
- ✓ Experience in peer review.

If you qualify and are interested in reviewing cases for the Board, please send a current CV to:

*Lynn Thornton, Enforcement Chief
Dental Board of California
1432 Howe Avenue, Suite 85
Sacramento CA 95825*

Or, you may call (916) 263-2300, ext. 2311.

We must work as a team to improve the oral health care of all Californians. I am looking forward to a mutually satisfactory relationship between all players during my tenure as president. Remember, we want to hear from you!

Alan H. Kaye, DDS
President, Dental Board of California

GA/CS EVALUATORS NEEDED

The Dental Board needs general anesthesia (GA) and conscious sedation (CS) Evaluators. If you are interested in becoming an Evaluator and meet the following criteria, you may obtain an application from the California Association of Oral and Maxillofacial Surgeons, or you may contact Anita Dowty at 916-263-2300, ext. 2333. Submit a curriculum vitae with each application. Qualifying applicants will be considered for approval at regularly scheduled Board meetings. In addition to participating in one of the Board's evaluator training courses, each applicant must:

1. Hold a current, active dental license or an Oral & Maxillofacial Surgery Permit or a Special Permit.
2. Hold a current GA or CS Permit.
3. Have utilized GA or CS in a dental practice setting for a minimum of three years immediately preceding application to become an Evaluator, exclusive of any GA/CS training.
4. Have successfully passed an onsite inspection and evaluation as a condition of holding a current permit.
5. Have no disciplinary action taken or pending against the dental license, OMS Permit, or Special Permit.

Evaluator training courses are scheduled from 9 a.m. to 1 p.m. as follows:

November 13, 2002 in Pleasanton

November 20, 2002 in Sacramento

December 4, 2002 in Los Angeles

Call the Board for actual location of the courses.

DISCIPLINARY ACTION*January – September 2002**B & P = Business & Professions Code
CCR = California Code of Regulations*

The Dental Board of California took the following actions from January 1, 2002 through September 30, 2002.

Penalties include license revocation, suspension or probation of a licensee depending upon the nature and severity of the violation. Every effort has been made to ensure that the information provided herein is correct. Official confirmation of the status of a licensee may be obtained by contacting the Dental Board of California at (916) 263-2300.

Revocation - DDS

Engbretson, Wayne Allen – *San Diego, CA and Oro Valley, AZ*
License Number: DDS 23822

Action: Default effective September 19, 2002 – revocation.

Violation: Violation of terms of probation.

McKinster, Michael – *Colton*
License Number: DDS 34382

Action: Decision effective June 23, 2002 – revocation.

Violation: B&P §1681(b) use of controlled substance or dangerous drug.

Ridgley, Harry – *Puyallup WA*
License Number: DDS 16250

Action: Default effective June 21, 2002 – revocation.

Violation: Violation of terms of probation.

Probation - DDS

Abusbitan, Abdulkadir – *Daly City*
License Number: DDS 41576

Action: Stipulated settlement effective January 26, 2002 – revocation stayed, seven years probation.

Violation: B&P §726 sexual misconduct.

Farrell, William L. – *Palo Cedro*

License Number: DDS 20098

Action: Decision effective April 20, 2002 – revocation stayed, five years probation - writ of mandate filed and pending.

Violation: B&P §1670 repeated acts of negligence; §1680 unprofessional conduct.

Galvan, Anthony Halili – *Fairfield*

License Number: DDS 44173

Action: Decision adopting stipulated settlement effective June 23, 2002 – revocation stayed, five years probation

Violation: If proven at hearing, the allegations constitute cause for discipline.

Kang, Dae In – *Los Angeles*

License Number: DDS 28011

Action: Stipulated settlement effective September 19, 2002 – revocation stayed, one year probation/

Violation: If proven at hearing, the allegations constitute cause for discipline.

Kim, Keon-Jung – *Irvine*

License Number: DDS 47919

Action: Decision effective June 28, 2002 – revocation stayed, two years probation.

Violation: B&P §1670, §1680(x) and §1701(g) unprofessional conduct – unlicensed practice of dentistry; §1680 (f) unprofessional conduct – unauthorized fictitious business name.

Nydegger, Bradley – *Citrus Heights*

License Number: DDS 36970

Action: Decision adopting stipulated settlement effective May 30, 2002 – revocation stayed, five years probation.

Violation: If proven at hearing, the allegations constitute cause for discipline.

Ortega, Jesus Robert – *Ukiah*

License Number: DDS 26500

Action: Decision adopting stipulated settlement effective June 28, 2002 – revocation stayed, five years probation.

Violation: B&P § 1670 gross negligence; B&P § 490 conviction of a crime; § 1680(w) unprofessional conduct, failure to disclose conviction of crime on license renewal application.

Roh, Seon Mi – *Downey*

License Number: DDS 44072

Action: Decision effective June 28, 2002 – revocation stayed, two years probation.

Violation: B&P §1670, §1680(c) unprofessional conduct - aiding and abetting the unlicensed practice of dentistry; §1680(f) and §1701(g) unprofessional conduct – unauthorized fictitious business name.

Saad, Rokaya – *Downey*

License Number: DDS 42880

Action: Stipulated settlement effective September 19, 2002 – revocation stayed, five years probation.

Violation: If proven at hearing, the allegations constitute cause for discipline.

Sahdev, Bikram – *Menlo Park*

License Number: DDS 32005

Action: Decision effective January 11, 2002 – revocation stayed, three years probation.

Violation: B&P §1670 gross negligence and repeated acts of negligence.

Skorupko, Vadim – *San Jose*

License Number: DDS 41216

Action: Stipulated settlement effective May 30, 2002 – revocation stayed, five years probation.

Violation: If proven at hearing, the allegations constitute cause for discipline.

Tran, Kristine Ngoc – *San Diego*

License Number: DDS 40749

Action: Decision effective June 27, 2002 – revocation stayed, five years probation.

Violation: B&P §1680(c) unprofessional conduct – aiding and abetting the unlicensed practice of dentistry; §1680(a) unprofessional

Continued next page

Disciplinary Actions – continued

conduct – obtaining fee by fraud or misrepresentation; §1680(o) unprofessional conduct – allowing uncertified persons to use dental radiographic equipment.

Voluntary Surrender

Cole, Edillia C. - Folsom

License Number: DDS 32672

Action: Decision adopting stipulated settlement effective June 22, 2002 – voluntary surrender.

Cleymaet, Robert V. – Chatsworth

License Number: DDS 22209

Action: Stipulated settlement effective September 19, 2002 – voluntary surrender.

Feder, Robert Dean – Chico

License Number: DDS 25253

Action: Stipulated settlement effective January 22, 2002 – voluntary surrender.

Ward, Douglas Austin – Lubbock, TX

License Number: DDS 29518

Action: Stipulated settlement effective 6/21/02- voluntary surrender.

Correction

Lee, Soo-Woong – Canoga Park

License Number: DDS 29343

Action: Decision revoking license for violation of terms of probation reported in the Board's previous newsletter was remanded back to the Board to reconsider penalty. Decision was affirmed and is currently stayed pending outcome of writ filed in Superior Court.

Revocation – RDA/RDH

Forman, Sheri Lyn – Redding

aka **Foreman, Sheri Lyn**, aka

Foreman, Shri Lyn, aka **Keller,**

Sheri Lyn, aka **Skinner, Sheri L**, aka

Skinner, Sheri Lynn, aka **Skinner,**

Sheri Lyn, aka **Keller, Sheri Lynn**,

aka **Keller, Sherrie Lyn**

License Number: RDA 39290

Action: Decision effective June 28, 2002 after appeal of default decision revocation.

Violation: B&P §1670.1 conviction of crime related to dentistry; B&P § 480(c) making false statement of fact on license application; B&P §1680(w) fraud in obtaining license.

Hernandez, Alfredo – Pasadena

License Number: RDA 32050

Action: Default effective May 26, 2002 – revocation.

Violation: B&P §1680(m) dispensing, or administration of dangerous drugs; §1701(f) practicing dentistry without a license.

Hernandez, Patricia L -Buena Park

License Number: RDA 46414

Action: Decision effective September 19, 2002 – revocation.

Violation: B&P §1670 unprofessional conduct; B&P §1680(m) obtaining and attempting to obtain a controlled substance by fraud.

Probation – RDA/RDH

Anker, Christine Ann – Pleasant Hill

License Number: RDA 59180

Action: Stipulated settlement effective May 31, 2002 – license issued under three-year probationary term.

Violation: B&P §1670 unprofessional conduct; B&P §480 and § 475 - commission of an act that would be grounds for suspension or revocation of a license and conviction of a crime constituting grounds for denial of licensure.

Jewett, Danielle S. – Oceanside

License Number: RDA 49582

Action: Stipulated settlement effective June 21, 2002 – revocation stayed, five years probation.

Violation: B&P § 1670.1 unprofessional conduct – conviction of substantially related crimes; B&P § 1680(x) in conjunction with §480(a)(2) unprofessional conduct – acts of dishonesty, fraud or deceit; B&P §1680 (e) unprofessional conduct – acts of gross immorality.

Overley, Bryn Erin – Davenport

License Number: RDA 54223

Action: Stipulated settlement effective September 19, 2002 – revocation stayed, five years probation.

Violation: B&P § 1670.1 & § 490 unprofessional conduct – conviction of a crime substantially related to the practice of dentistry.

Perez, Salvador – Simi Valley

License Number: RDA 37511

Action: Decision adopting stipulated settlement effective May 30, 2002 – revocation stayed, five years probation.

Violation: If proven at hearing, the allegations constitute cause for discipline.

Shirakawa, Miyako – Carlsbad,

License Number: RDA 59194

Action: Stipulated settlement effective June 3, 2002 – license issued under three-year probationary term, effective 6/7/02.

Violation: B&P §1670 unprofessional conduct; B&P §480 and § 475 commission of an act that would be grounds for suspension or revocation of a license and conviction of a crime constituting grounds for denial of licensure.

**Voluntary Surrender
RDA/RDH**

Souza, Cathy - Simi Valley

License Number: RDA 6192

Action: Stipulated settlement effective September 19, 2002 - voluntary surrender while disciplinary charges were pending.

*If you, or any other dental health professional you may know, are experiencing a drug and/or alcohol problem, the Dental Board of California provides assistance via the Dental Diversion Program. The 24-hour, toll-free number for help is
1-800-522-9198.*

HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT (HIPAA)

WHAT IS IT? HOW DOES IT AFFECT YOUR OFFICE?

The HIPAA Act affects dental offices and providers who transmit patient information electronically to third-party payers for reimbursement of patient services and procedures. HIPAA does not apply to dentists who engage exclusively in paper transactions with third-party payers. The intent behind HIPAA is to cut administrative health care costs by simplifying the transfer of health records – specifically records transferred electronically.



HIPAA will result in the adoption of a number of regulations to achieve the administrative simplification goals of the Act. So far, only two major regulations have been adopted that apply to dental offices: A Transactions and Code Sets Rule and a Privacy Rule.

The Transactions and Code Sets Rule requires the establishment and the use of a standardized or uniform format for electronic transactions between providers and payers. The use of a standardized format will enable providers to use the same set of information and the same format for submission of claims to any payer. The Code Sets portion of this rule requires the adoption and use of standard procedure codes for filing claims. For the practice of dentistry, the code set is CDT-3 (becomes CDT-4 in January 2003). CDT codes can be obtained from the American Dental Association (ADA) at 1-800-9474-9746.

The Transaction and Code Sets Rule goes into effect October 16, 2002.

Dentists should contact those companies to whom they submit claims to clarify what they are doing to receive HIPAA-compliant electronic transactions, as well as contacting software vendors for information on HIPAA-compliant software. The ADA maintains a list of vendors with practice-related software. Ask for the *Directory of Practice Management Software*. Also available for order via the ADA's website at <http://www.ada.org/prof/prac/manage/software/index.html>.

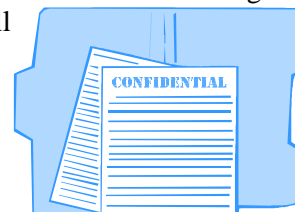
The Privacy Rule requires providers take reasonable measures to protect the privacy and respect the confidentiality of patient records. Essentially, the Privacy Rule requires the development of a privacy policy for the dental office, that is, a document that spells out who within the office and/or outside the office, may have access to patient information.

The Privacy Rules also requires the establishment of “*Business Associate*” agreements with entities to whom protected patient information may be made available. The *Business Associate* agreement requires entities (e.g., liability insurers, peer review committees, software vendors, billing services) that might have access to patient information to adhere to the same privacy rules to which the provider adheres. Additionally, the Privacy Rule requires dental offices to establish a privacy policy manual that covers the entire structure of privacy protection within the office.

The compliance date for the Privacy Rule is April 14, 2003.

The American Dental Association (ADA) and the California Dental Association (CDA) are working to educate dentists about the requirements of HIPAA. ADA has published a “*HIPAA Privacy Compliance Kit*” as a guide for dental offices. You may obtain a copy by calling 1-800-947-4746. Some local dental societies are scheduling HIPAA workshops in coordination with CDA. For information on CDA workshops, call Ann Milar at 1-800-736-7071, extension 4310.

The Workgroup for Electronic Data Interchange has published a guide for HIPAA implementation. This guide is available at <http://snip.wedi.org/public/articles/200205101.2.pdf>



DID YOU KNOW . . . ?

Fictitious Name Permit – If you use a fictitious name (a name other than your licensed name), Section 1701.5 of the Business & Professions Code (in your Dental Practice Act) requires you to obtain a permit through the Board. You may obtain an application through the Board's website at www.dbc.ca.gov. On the home page, click on "Licensing" on the left side of the page. On the second page, go to the link located in the middle of the page and click on "Licensing Forms." When the third page comes up, scroll down to "Application for a Fictitious Name Permit," click to bring up the form, then click on "print." Complete the application and mail to the Board with a check for \$365, or call (916) 263, 2300, ext. 2332 to see if you qualify for the prorated fee.

Any fictitious name must be approved by the Board prior to advertising. Use of your licensed family name or your dental corporation name, e.g., "John Doe, DDS" or "John Doe, DDS, Inc." does not require a permit from the Board.

Additional Office Permits are not required if you do not have ownership in more than one practice or do not have the right to participate in the management thereof. However, if you have ownership in more than one practice and need an application for a permit, you may go to our website at www.dbc.ca.gov, or call David Wolf at (916) 263-2300, ext. 2332.

PROTECT YOUR PRIVILEGE

Did you know . . . ?

. . . that your license to practice dentistry is a privilege?

. . . when your renewal form is not completed as required, a *hold* is placed on your license and the license becomes invalid?

. . . you may not continue the practice of dentistry until the problem is resolved and the *hold* is released.

. . . it is your responsibility to notify the Board of your current mailing address? License renewal notices are sent to your address of record with the Board. If you have moved and have not notified us, you may not receive your renewal notice in a timely manner.

. . . a license not renewed by the expiration date is an invalid license. Even though the Board allows a 30-day grace period before assessing a delinquent charge, the expiration date is not extended, and you may not continue practicing.

DENTAL PRACTICE ACT

The NEW Dental Practice Act (DPA) has gone to print! Every licensed dentist in California will be mailed a new DPA at the end of November. If you are not a licensed dentist and would like a copy, the Board will provide one for a small fee. You may send your request to the Board with a check for \$10.70 made payable to the Dental Board of California, include your check or money order and mail to the Dental Board at 1432 Howe Avenue, Suite 85, Sacramento CA 95825.

ON-LINE PROFESSIONAL LICENSING

In case you haven't heard, the Dental Board now has on-line license renewal. Electronic renewal on-line may be used for license renewal, requests for duplicate licenses, and changes of address. To access the site, go to www.dbc.ca.gov and follow the prompts. When the transaction is completed, the system will provide a printed receipt via your printer. This is your proof of payment. If you need assistance in the process, contact the Department of Consumer Affairs eGovernment office at (916) 322-7834, or e-mail questions to egov@dca.ca.gov.

LICENSURE BY CREDENTIAL – UPDATE

The Board has received numerous inquiries regarding the implementation of the Licensure by Credential program. Legislation authorizing the Board to issue Licensure by Credential became effective July 1, 2002. However, the Board must await the completion of the regulatory process prior to implementation of the program. The Board now anticipates the application packets will be ready for mailing by mid-November. For an application packet, you may make your request by faxing your name and address (please print or type) to (916) 263-2140, attention Errol or Pat. Be sure to indicate on the fax, the letters **LBC** for Licensure by Credential.

The following *basic requirements* will determine whether you qualify for Licensure by Credential in California. Each applicant must have:

1. Licensure in another state with no disciplinary action or pending action;
2. Five years of clinical practice with a minimum of 1000 hours per year;
3. Not taken the California licensure exam within the past 5 years and failed.
4. Accumulated 50 units of continuing education within the two years prior to application

EVALUATION AND APPROVAL OF FOREIGN DENTAL SCHOOLS

In January 1998, the Legislature passed a law requiring approval of foreign dental schools that provide an education equivalent to that of similarly accredited institutions in the United States. The following factors are considered for evaluation of foreign dental schools applying for accreditation:



- ✓ **Institutional Objectives** – *The school's mission and long-range planning goals.*
- ✓ **Governance** – *The school's legal authority, charter, ownership and investors.*
- ✓ **Administration** – *Committee and faculty organizational charts, duty statements, and the dean's authority.*
- ✓ **School Resources** – *Financial statements, budget data, operational expenditures, and endowments.*
- ✓ **Education Program** – *Content, design, duration and management, evaluation, and aptitude testing.*
- ✓ **Dental Students** – *Academic admission requirements, statistical enrollment data, length of enrollment, enrollment policies, personal guidance and amenities, student government, honor codes, student financing, scholarships, and security.*

The Dental Board appoints an Onsite Inspection and Evaluation Team whose primary responsibility is to review the application and determine if the school meets entry level criteria, forward a survey document to the school, conduct onsite inspections and evaluations, prepare a report of findings, and submit the information to the Technical Advisory Group (TAG) for review of the Team's findings. The TAG then makes a recommendation for either full approval, provisional approval, or a denial of certification requests. If provisional approval is given, it will be for a period of time or until noted deficiencies are corrected. When full approval is granted, a Certification Document will be issued to the school. For more information on foreign dental school accreditation, or for application requests, please call Errol Chisom at (916) 263-2300, ext. 2327

IT'S THE LAW

The law pertaining to the **DENTAL MATERIALS FACT SHEET** became effective January 1, 2002, and requires the following:

- ✓ The dentist must provide the fact sheet to every new patient and to patients of record before performing dental restoration work. The dentist needs to provide the fact sheet to each patient only once.
- ✓ The patient must sign an acknowledgment of receipt of the fact sheet and a copy of the acknowledgment must be placed in the patient's dental record.
- ✓ If the Board updates the fact sheet, the updated fact sheet must be given to patients in this same way.
- ✓ The dentist must also provide the fact sheet to the patient upon request.

If you have requested the Spanish version via our mailing list, it will be mailed out as soon as we receive it. If you have not already requested a copy and would like the Spanish version, please call (916) 263-2300, ext. 2328 and leave your name, license number and mailing address. The Spanish version will be available sometime in November 2002.

If you have not received a copy of the DMFS, call 263-2300, ext. 2309. Or, go to the Board's website at www.dbc.ca.gov and click on News & Information, on the next page, click on "Dental Materials Fact Sheet" and print.

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www.dbc.ca.gov

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THE DENTAL BOARD DIVERSION PROGRAM offers . . .

- * A voluntary, confidential program for California licensed dentists and dental auxiliaries,
- * Public protection by early identification of impaired dental health care professionals,
- * Practitioners access to appropriate intervention programs and treatment services,
- * Development of a treatment plan with on-going monitoring,
- * Consumer protection by suspension of the impaired professional's practice, when necessary,
- * A means of recovery without the loss of a license to practice.

For additional information, call (916) 263-2300, ext. 2312 or 2309.

The *24-hour, toll-free* number for help is
1-800-522-9198

- Professional Support Services
- Voluntary & Confidential
- Free Consultation
- Open Enrollment
- Intervention/Treatment
- An alternative to enforcement
- Public protection

For information, call Gladys Mitchell,
Diversion Program Manager
(916) 263-2300, ext. 2297

